



Date: October 20, 2009

Location: Holiday Inn City-Centre, Grand Ballroom I

Attendees: John Collier, Michelle Dillon, Don Emmert, Andrew Frisbie, Pat Jarboe, Crystal Joshua, Mike Massonne, Beth Riedeman, Anthony, Schenck, Clem Schroll, Andrea Stutsman, Michael Thompson, Ron Whistler

Subject: Stormwater Technical Advisory Committee

Mike Massonne welcomed committee members and reviewed the meeting agenda.

He announced that the Common Council approved stormwater Ordinance Oct. 5, and moving forward, the city will continue conducting stormwater outreach and education. The city also is working with DLZ to complete its stormwater policies and procedures manual, and he said future meetings would provide an opportunity for the committee to offer comments on the manual. (slides 1-2)

1. Stormwater User Fee Ordinance

Massonne acknowledged committee members that attended the Oct. 5 public hearing and council vote on the stormwater ordinance. The ordinance established a user fee that will fund requirements of the city's joint Municipal Separate Storm Sewer System (MS4) Permit and the Stormwater Capital Improvement Program. He described the following program costs:

- MS4 Permit:
 - Est. Joint Shared Cost: \$45,195
 - Individual permit costs also considered
- Operations and Maintenance:
 - 200+ miles of separate sewer system and 60+ miles in the combined sewer area
 - Est. Cost: \$686,425
- Stormwater Capital Projects:
 - Water quality and drainage improvements
 - Est. Cost: \$14,967,907 (planning level)

(slides 3-5)

Massonne said the capital projects will allow the city to improve stormwater services in the Lafayette community.



The first stormwater ordinance reading was held Sept. 15. Mayor Roswarski, Jenny Miller, Crystal Joshua and consultants presented the Stormwater Program Study and the Rate Study. The ordinance was not referred to a committee.

The second ordinance reading consisted of a public hearing, and after much council debate, the ordinance was approved. Frisbie said there was a good cross-section of the community in attendance, which made for good discussion. (slide 6)

Passage of the stormwater ordinance, established a stormwater user fee for property owners. The fee is based on a base billing unit or Equivalent Residential Unit (ERU), and one ERU equals 3,200 square feet. For residential users, a base fee divided by 1 ERU per parcel will be assessed. The non-residential user fee will be based on actual ERUs of impervious surface multiplied by the base fee. (slide 7)

The base fee in 2010 will be \$4 per ERU and will increase to \$5 per ERU in 2011. The user fee will sunset in 2023 as capital projects are completed. (slide 8-10)

Alternate rate classes for stormwater National Pollutant Discharge Elimination System (NPDES) permitted users also were created. NPDES permitted organizations that discharge stormwater directly to watercourse inside city will be assessed \$2.50 per ERU per month. NPDES permitted organizations that discharge stormwater directly to watercourse outside of city will be assessed \$1.54 per ERU per month. (slide 11)

Frisbie asked if there is an adjustment for the first year to the alternate rate classes.

Massonne said the rate classes will stay the same from 2010 through 2023.

Emmert asked if there would ever be a need to increase the \$5 user fee.

Crystal Joshua said the city doesn't expect the rate to increase. She said estimates for capital projects and operations and maintenance activities are very conservative, but during the new permit term there may be some new regulations that could impact permit requirements.





Massonne said the council discussed ways to offset the lower rate in 2010 with a higher rate in subsequent years. A council member suggested the fee increase the second year to account for indexed costs and increases in materials and labor in the future.

Joshua added that inflation also was accounted for during capital planning.

Before the user fee is implemented the city will complete a master billing file. As part of that process, the city is measuring impervious surface area on non-residential parcels, and Massonne said measurements will be complete in approximately six or seven weeks. The city also is building parcel accounts for owners with multiple parcels and collecting documentation for alternate rate class qualification. Anticipated distribution of the statements will take place in April or May 2010.

Clem Schroll said that landlords have the ability to defray costs by providing it to their residents or they can write it off as a business expense. He noted that a residential property owner cannot write the user fee off as an expense.

Collier said the user fee for residential users will be just \$48 in 2010 and \$65 in 2011.

Ron Whistler said that writing off the user fee would be considered a loss and hurt business. He added that in today's market, a business can't afford to raise prices to cover a fee, it just makes do.

Michelle Dillon said the person who pays the fee gets the benefit of improved stormwater management in the community, and the tenant or homeowner is paying for a service.

Whistler asked at what point in the permitting process the fee will be implemented for new construction.

Joshua said the policies and procedures document will address when the city will assess the fee on parcels being developed.

Beth Riedeman presented information on the user fee to members of 9th Street Hill Historic Neighborhood Association, and she said they did not have a problem with the fee. She added that as a grad student, her income comes from substitute teaching and is limited, but the user fee just another \$5 per month she plans to include in her budget. She said since the user fee has been passed by the council, paying it is not negotiable.





2. Public Outreach and Education

Massonne said conducting ongoing public outreach and education allows the city to show what the user fee is funding. He said an informed and knowledgeable community is crucial to the success of a stormwater management program. Public education and outreach generates:

- Greater support: Increased understanding of need for a stormwater program
- Increased compliance: Awareness of personal and corporate responsibilities in the community

(slide 15)

Massonne said the city's goal is to use revenue from the user fee to complete projects and show the city what residents are getting for their money. He reiterated Mayor Roswarski's belief that improving water quality and stormwater drainage is "the right thing to do." (slide 16)

Public Outreach and Education also is a requirement of the MS4 permit, he explained. To satisfy this Minimum Control Measure, the operator of a regulated MS4 needs to:

"Implement a public education program to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of storm water discharges on local water bodies and the steps that can be taken to reduce storm water pollution."

(slide 17)

Prior to the council approving the user fee, engineering staff met with more than 20 top stormwater customers, environmental organizations, local boards and commissions, city executive staff, the chamber of commerce nonprofit organizations, media and others. (slide 18-19)

Moving forward, Massonne said outreach to the organizations that qualify for alternate rate classes will be necessary. Initially, he said the city will contact NPDES permit holders and request their qualifications. The alternate rate class qualifications also will be published on the city Web site, he explained. The city also plans to mail a letter with details of the user fee to churches and meet with neighborhood associations, he said.



Schroll asked if the city made any kind of compromise with the school corporation. He said the income is very unpredictable and budgeting is likely to be a problem. The timing of the fee was a problem, he added.

Massonne said the city is aware of the budgeting challenges of the school corporation and is working with the administration.

To educate the general public, the city has published information on its Web site and will complete water and sewer bill inserts describing the user fee in January and April. The city also is considering printing a copy of the proposed billing statement in the newspaper. (slide 20)

Riedeman suggested conducting outreach to the Valley Center neighborhood. She said at-large council member Kevin Klinker lives in the neighborhood, and it would be a good opportunity to notify them that flooding will be reduced as part of the program. She added that the Ninth Street meeting is November 16, and they city could present there as well.

Collier suggested meeting with each of the neighborhoods that will be impacted by the projects.

Massonne said a meeting when projects are in progress would occur. He added that because projects are in preliminary planning, the scope could change, so the city would wait until the details are more solid.

Collier said sharing a quick overview of the user fee and capital program would be helpful so residents will know when they are impacted by construction and what the outcome will be.

Massonne concluded that public education is an NPDES Permit requirement and also is important to the continued success of the Lafayette Stormwater Program. He said the city will continue conducting outreach to:

- Develop awareness of and support for capital improvements
 - Emphasize individual responsibility to protect our waterways for future generations
- (slide 21)

Frisbie asked if IDEM will be reviewing the city's progress on the capital program.

Massonne said IDEM did not require specific projects; it left water quality and drainage improvements up to the city. He said he was not aware of any city with a required list except Lexington, Kentucky, which after many years was forced to implement a stormwater user fee





and capital program. He added that a specific standard for water quality for individual stormwater programs has not been established by state and federal agencies, so requiring projects is a bit premature.

Frisbie asked if in the case of the school corporation, the use of rain barrels or an educational program could help to reduce the user fee. He said he wondered if the control measures could be tailored to the challenges of a specific community.

Massonne said Lafayette is not required to complete the capital projects, and prioritization can change based on other considerations in the city.

Schroll said that in the Orchard Heights neighborhood, sewage backs up into basements, and that should be addressed before rain barrels. He said he hoped the city will address the sewer issues and stormwater flooding.

Massonne said educating neighborhoods about clear water connections and the “dos” and “don’ts” can be a complicated issue.

Joshua said the city looked into the problem when the sanitary system was evaluated. She said that project determined that clear water in the sewer was contributing to the problem, and the next step is to address the problem with an engineering solution.

Schroll said he appreciates the efforts of the city, but when it stops raining, the problem is forgotten.

3. Policies and Procedures Manual

The Stormwater Policies and Procedures Manual will outline operating procedures within the articles of the stormwater user fee ordinance including:

- Measurement of impervious surface
- Appeal process
- Clarification of definitions
- Qualification for alternate rate classes
- Application of rate and payment program

(slide 24)



The impervious surface area section will review the process for completing measurements and periodic updates. Massonne said a process must be in place so if measurements are questioned, the owner can use the manual to complete a similar process. The measurement portion will define impervious surface and include illustrations. Additional details will include how the city will collect new data, complete random sampling and compare data against aerial photography. He said the addition and/or reduction of impervious surface must be considered. (slide 25)

The appeal process section will state that a customer wanting to dispute a bill must stay current with his or her account; however obvious billing errors like a \$10,000 bill error will be corrected. The city engineering staff will provide a fair and impartial review of data provided by the owner and the city's mapping data, and the Board of Works will make the final resolution in disputed cases. (slide 26)

The clarification of definitions will remove ambiguity related to the stormwater user fee ordinance, user fee and billing process. (slide 27)

The manual also will discuss qualifications for alternate rate classes. Massonne said Lafayette's intent is not to be a watchdog of NPDES permitted dischargers. The city just wants to confirm that organizations being assessed in the alternate rate classes remain in compliance with their permits, as determined by IDEM. Organizations will be responsible to submit copies of permits, regulatory reports and the defined area for qualifying parcels. (slide 28)

The application of the rate and payment section will describe and illustrate how rate is applied to the four rate classes. Massonne said the mayor is looking at terms of payment for non-residential users, and the purpose would be to spread the payment over a period of time. The policies and procedures manual will explain how the city could provide a payment plan for specified users without considering them late and assessing penalties. Massonne said criteria are being developed. (slide 29)

Whistler asked if a stormwater permit form for new construction would guide developers with regard to stormwater user fees or if the architect is responsible for the preliminary calculations.

Joshua said Whistler's question is more pertinent to site development and planning. She said there would likely be a separate form to submit to the city, and the engineering staff would verify the impervious surface calculations.



Massonne said the city has the ability to work with development groups to have polygons for impervious surface plugged into plans. That polygon could then be plugged into the city GIS layer.

Joshua said aerial photography is another way to deal with measurements, and there are several ways to approach the calculations.

Dillon suggested that as a developer, she would request a layer on GIS.

Jarboe said TBIRD creates the GIS layer but not all engineering consultants do. He added that Lafayette, West Lafayette and the county all project impervious surface area, but the actual measurements are somewhat different by the time the project is built.

Massonne said at some point in time residential users may not be assessed a base fee. Instead, some in the rate class may be measured or assessed in some other way.

Anthony Schenck said deferred payment was mentioned. He asked if that's the only option being discussed for a school or company in hardship.

Massonne said deferred payment currently is the only option.

Schenck said Fairfield Manufacturing is completing a project in the spring to improve the company property as well as a city ditch. He asked if a credit for improving the city sewer conveyance system would be available.

Massonne suggested that Fairfield contact the city engineer about the project, and any adjustments to the fee would be considered.

Before bills go out, the city will complete the policies and procedures manual and measurements to ensure that bills are accurate. He said the city also is considering how best to provide an estimated bill, and the initial contact will be the responsibility of the owner rather than the city.

Joshua said she received numerous calls before the ordinance was approved, and people were very agitated about the user fee. However, she said after she calculated their estimated monthly user fee, many were just glad to be informed about the bill. Users said the new fee wouldn't break the bank, she added.





Frisbie asked if the policies and procedures manual would be available to the public.

Joshua said when it's finalized, it will be available online.

Massonne said that before test runs are complete and bills are mailed, the policies will be in place. The city plans to complete test runs in January or February, and based on the results, the policy document may be revisited.

Schroll suggested that the document be searchable when it's posted online.

Joshua said the city can make the document searchable, and it also will be concise at approximately 30 pages.

4. Future SWTAC Meetings

Massonne said the next Stormwater Technical Advisory Committee meeting will be January 2010, and the user fee billing process, draft Stormwater Policies and Procedures Manual, and the 2010 outreach plan will be discussed. Thereafter, the committee will meet quarterly.

The meeting was adjourned.

